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# In the Supreme Court

of the United States

OCTOBER TERM, 1966

No. 391

STATE FARM FIRE AND CASUALTY  
COMPANY and GREYHOUND LINES, INC.,  
*Petitioners,*

v.

KATHERINE TASHIRE, EVA SMITH, HARRY  
SMITH, LILLIAN G. FISHER, BARBARA  
McGALLIAND, DORIS ROGERS, GAIL R.  
GREGG, RICHARD L. WALTON, heir of  
SUE WALTON, and DONALD WOOD,

*Respondents.*

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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## **MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

Come now the following attorneys at law who represent defendants-claimants in the case of *General Fire and Casualty Company v. Greyhound Lines, Inc., et al*, in the United States District Court for the District of Oregon, Civil No. 66-205:

**ANDERSON & GEARY, Oakland, California;  
BERKLEY, RANDALL & HARVEY, Berkeley, California;  
McDANNELL BROWN, Portland, Oregon;  
DEVIN, HUTCHINSON & PETERSON, Seattle,  
Washington; GORDON & RIPPLE, Spokane, Wash-**

ington; HOBURG, FINGER, BROWN & ABRAMSON, San Francisco, California; KING, MILLER, ANDERSON, NASH & YERKE, Portland, Oregon; GEORGE LUOMA, Roseburg, Oregon; MIROYAN, MOORE, KRICHEBERG & PITAGORA, San Jose, California; MORGAN, BEAUZAY, WYLIE, FERRARI & LEAKY, San Jose, California; AGNESS PETERSON and GEORGE VAN NATTA, St. Helens, Oregon; QUACKENBUSH, DEAN, BESCHEL & SMITH, Spokane, Washington; REITER, DAY & WALL, Portland, Oregon; ROETHLER & DUNN, Kelso, Washington; SABIN, DAFOE & NEWCOMB, Portland, Oregon; WILLIAM F. SCHULTE, Portland, Oregon; PETER C. STERNBERGER, San Francisco, California; TOOZE, POWERS, KERR, TOOZE & PETERSON, Portland, Oregon; TRUEHAFT & WALKER, Oakland, California.

and, pursuant to the provisions of Rule 42(3) of the rules of this Court, move the Court for leave to file the accompanying brief Amicus Curiae in the above entitled cause.

In support of their motion applicants show the Court as follows:

**I. Nature of Applicants' Interest.**

Applicants are attorneys for the defendants-claimants in an action filed in the United States District Court for the District of Oregon under the provisions of the Federal Interpleader Act (28 U.S.C., Sections 1335 and 2361) entitled "General Fire and Casualty Company, a corporation, Plaintiff, v. Grey-



hound Lines, Inc., a corporation, et al, Defendants, Civil No. 66-205."

Said action arose out of a one-vehicle accident which occurred on December 23, 1965, near Medford, in southern Oregon, involving a Greyhound bus owned by Greyhound Lines, Inc. ("Greyhound"), operated by Greyhound's employee, Joseph W. Bailey ("Bailey") and traveling interstate from Washington to California. As a result of this accident, fourteen persons lost their lives and 25 or more other passengers were injured, several of them seriously. The passengers involved were residents of Washington, Oregon and California, and many of them were traveling from Washington to California.

After the accident, some of the injured persons filed actions against Greyhound, as did representatives of certain of the deceased persons. These actions were filed by the various plaintiffs in the states of Washington, Oregon and California, and in this connection, it is to be noted that of these three states only one, Oregon, has a statutory limit (\$25,000) on the amount which may be recovered in a wrongful death action (see Ore. Rev. Stat., Section 30.020).

On April 12, 1966, General Fire and Casualty Company ("General"), a liability insurer of Greyhound to the amount of \$500,000, filed its action in interpleader, naming as defendants Greyhound, Bailey, all the living bus passengers and the legal representatives of the deceased bus passengers.

Upon motion by General, a temporary restraining order issued on April 12, 1966, preventing all persons involved in the accident or their legal representatives (1) from proceeding in any actions already filed against Greyhound and Bailey or (2) from filing any action against Greyhound and Bailey. Such restraining order is still in effect.

Applicants are interested in the decision to be rendered in the case at bar because it will necessarily have an important impact on their pending case and also on their practice of law in personal injury cases. They seek to bring to the attention of the Court additional circumstances and consequences of any decision in this case which should receive consideration by the Court in reaching its decision and writing its opinion.

The more specific purposes or requests of Applicants are set forth below and in the brief. Certain facts involved in their case and similar cases will be cited throughout the brief in order to provide this Court with a clearer view of the significance of its decision.

## **II. Reasons for Granting Application.**

Applicants seek authority from this Court to file an Amicus Curiae brief because of their concern that the peculiarly narrow issues presented in the case at bar might result in a decision which would not furnish appropriate guidance to the lower courts

faced with many questions raised by this kind of case. On the one hand the decision could leave all the broader more fundamental issues completely unresolved. At the other extreme, the case might result in an opinion interpreted as having ruled upon some of the broader issues when the facts of this case do not provide an appropriate vehicle for ruling on all of them.

This case could well be resolved on the narrow issue, to be raised in this Court for the first time in Respondents' Brief, of the lack of personal jurisdiction over some of the adverse claimants who are Canadian citizens.

On the other hand, the broad issue as tendered by Petitioners and the opinion of the Court of Appeals concerns jurisdiction over the subject matter — a question neither briefed nor argued in that court.

Respectfully submitted,

MARK C. McCLANAHAN  
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